

EXEMPT

22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY
STATE OF LOUISIANA

NO.: 2017-12589

DIVISION: F

LOUISIANA DEPARTMENT OF HEALTH

v.

OZONE PINES WATER SUPPLY OF PROPERTY OWNERS, INC.

FILED: June 5, 2017

DEPUTY CLERK: J. M. M.

ORDER

Considering the foregoing Petition for Injunctive Relief and Receivership filed by the Louisiana Department of Health:

IT IS ORDERED that the Defendant appear and show cause on the 2nd day of Aug, 2017, at 9:30 o'clock, A. M., why a preliminary and, in due course, a final injunction should not be issued enjoining the Defendant from committing violations of the applicable provisions of La. R.S. 40:4 et seq. and 51 LAC Part XII; why a receiver should not be appointed; why customers of the public water system should not be ordered to make payment for system use directly to the Court-appointed receiver; and why the Defendant should not be cast with all costs of these proceedings.

IT IS FURTHER ORDERED that, pending the hearing set forth above, Robert Gilbride of Gilbride's Aqua Service LLC is appointed temporary receiver of the System, which appointment shall be effective upon filing with the Clerk of Court a bond in the amount of \$3,000.00 of the type and in a format similar to that shown in Exhibit "C" to the original Petition filed in this matter. Said temporary receiver shall have and be subject to the following conditions, requirements, and authority to:

1. Collect the assets of the public water system, collect any records relating to the current operation and users of the public water system, and operate and maintain the public water system, pursuant to La. R.S. 40:5.9(C);
2. Maintain separate financial records showing the income and expenses of the System and to provide the Court and the System's owner with the same and an accurate statement of the same as well as an accurate statement of the condition of the System periodically as required by the Court;
3. Provide LDH with copies of all reports provided to the Court and/or the Defendant;
4. Pay himself a base compensation in the amount of \$200.00/month, together with additional usual and customary compensation for "call-outs" and repairs;

5. Incur and pay, to the extent funds collected from operation of the System are available, all usual and customary expenses, including electricity charges, supplies (including chemical supplies) and materials, expenses for necessary repairs, and payments to any entity utilized to handle billing or act as a fiscal agent; however, receiver's liability for expenses, whether incurred or outstanding, shall not exceed the funds actually collected and available, prospectively, from the operation of the System;
6. Withdraw upon thirty (30) days written notice to the Court, the Defendant, and LDH;
7. Operate the System, as is, in compliance with the relevant provisions of La. R.S. Title 40 regulations promulgated by LDH, and all LDH-issued permits and orders, to the extent compliance with the applicable provisions is feasible given monetary constraints and the present condition of the System; however, in no event shall receiver be liable for upgrading any presently substandard physical aspect of the System for the purpose of complying with any applicable provision set forth, *supra*;
8. Act as fiduciary on behalf of Defendant as required by law; and
9. Direct the customers of the public water system to make payments for system use directly to the temporary receiver appointed by the Court at such address as the receiver shall supply.

SIGNED this 7 day of September, 2017, at Convictor, Louisiana.



JUDGE, 22nd JUDICIAL DISTRICT COURT
HON. MARTIN E. COADY

PLEASE SERVE CITATION, PETITION with exhibits, AND ORDER ON:

Ozone Pines Water Supply of Property Owners, Inc., through its president:

Kenneth J. Clark
4123 Walnut Street
Slidell, LA 70461